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ATTORNEYS FOR TENET
CONCEPTS, LLC

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

In re:)	
)	
TENET CONCEPTS, LLC,)	Case No. 18-40270-elm-11
)	
Reorganized Debtor.)	Chapter 11 Case
)	
)	

**MOTION FOR FINAL DECREE PURSUANT TO SECTION 350
OF THE BANKRUPTCY CODE AND RULE 3022 OF THE
FEDERAL RULES OF BANKRUPTCY PROCEDURE
(INCLUDING POST-CONFIRMATION REPORT)**

TO THE HONORABLE EDWARD L. MORRIS, UNITED STATES BANKRUPTCY JUDGE:

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 501 W. 10TH STREET, ROOM 147, FORT WORTH, TEXAS 76102-3643 BEFORE CLOSE OF BUSINESS ON SEPTEMBER 11, 2019, WHICH IS AT LEAST 21 DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

A HEARING ON THIS MATTER HAS BEEN SCHEDULED FOR SEPTEMBER 18, 2019 AT 1:30 P.M., BUT MAY BE REMOVED FROM THE COURT'S DOCKET IF NO TIMELY OBJECTIONS ARE FILED.

Tenet Concepts, LLC, the reorganized debtor (the "Debtor" or "Tenet"), files this motion (the "Motion") pursuant to section 350 of the Bankruptcy Code and Bankruptcy Rule 3022 to request that this case be closed pursuant to the Final Decree substantially in the form attached hereto as **Exhibit A** (the "Final Decree"). The Motion includes the post-confirmation report required by Local Bankruptcy Rule 3022-1. In support thereof, the Debtor respectfully represents as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. §157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

PROCEDURAL BACKGROUND

2. On January 25, 2019, the Debtor filed a voluntary petition in this Court for relief under chapter 11 of the Bankruptcy Code.

3. The *Amended Plan of Reorganization for Tenet Concepts, LLC* [Docket No. 272] (the "Plan") was confirmed pursuant to an Order entered May 31, 2019 (the "Confirmation Order"). The Plan became effective June 17, 2019 (the "Effective Date"). See, Docket No. 288.

4. The Plan has been substantially consummated. The Debtor anticipates that all pending matters will be resolved prior to entry of the Final Decree.

5. The Debtor has filed all required operating reports and is current on fees ("Trustee Fees") payable to the Office of the United States Trustee ("UST") in accordance with 28 U.S.C. § 1930. The Debtor will continue to work with the UST to ensure that all remaining Trustee Fees are paid in a timely manner.

RELIEF REQUESTED

6. By this Motion, the Debtor seeks entry of the Final Decree substantially in the form attached hereto as **Exhibit A** to close this chapter 11 case, effective as of the date of entry.

BASIS FOR RELIEF

7. Section 350(a) of the Bankruptcy Code provides, “After an estate is fully administered and the court has discharged the trustee, the court shall close the case.” 11 U.S.C. § 350(a). Bankruptcy Rule 3022 implements section 350(a) of the Bankruptcy Code and provides, “After an estate is fully administered in a chapter 11 reorganization case, the court, on its own motion or on motion of a party in interest, shall enter a final decree closing the case.” FED. R. BANKR. P. 3022.

8. The Bankruptcy Code does not specify when an estate should be considered “fully administered.” In making this determination, courts have looked to the Advisory Committee Note to Bankruptcy Rule 3022 (the “Advisory Note”) for guidance. *In re Union Home and Indus., Inc.*, 375 B.R. 912, 916 (B.A.P. 10th Cir. 2007). The Advisory Note instructs courts to consider these factors in determining whether a case is fully administered:

- (a) Whether the order confirming the plan has become final;
- (b) Whether deposits required by the plan have been distributed;
- (c) Whether the property proposed by the plan to be transferred has been transferred;
- (d) Whether the debtor or the successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan;
- (e) Whether payments under the plan have been commenced; and
- (f) Whether all motions, contested matters, and adversary proceedings have been finally resolved.

FED. R. BANKR. P. 3022 advisory committee’s note.

9. Although courts should apply and weigh the factors set forth by the Advisory Note, the listed factors are not meant to be exclusive, nor are all factors mandatory. *In re Union Home Indus.*, 375 B.R. at 917 (“The factors listed in the Advisory Note are not considered exhaustive, nor must a party demonstrate all of the factors, before the court may find a case to be fully administered.”); *Nat’l Union Fire Ins. Co. v. Eubanks*, No. 94-2757 Sec. “R”, 1995 U.S. Dist. LEXIS 243, at *5 (E.D. La. Jan. 9, 1995). Rather, the six factors “merely serve as a guide in assisting the Court in its decision to close a case.” *In re Mold Makers, Inc.*, 124 B.R. 766, 768 (Bankr. N.D. Ill. 1990). Courts are encouraged to consider the Advisory Note factors “to insure that there is no unfinished business before the Court or in the case.” *In re Kliegl Bros. Universal Elec. Stage Lighting Co., Inc.*, 238 B.R. 531, 542 (Bankr. E.D.N.Y. 1999).

10. In this case, entry of the Final Decree is warranted at this time. The Confirmation Order is final and non-appealable. The Plan has been substantially consummated. All assets of the Debtor’s estate have been vested in the reorganized Debtor. The reorganized Debtor is operating the Debtor’s business. The reorganized Debtor has commenced making payments under the Plan. Further, all motions, claim objections, fee applications, other contested matters, and adversary proceedings either have been or are expected to be resolved prior to entry of the Final Decree.

11. Total compensation for the Debtor’s professionals between the Petition Date and the Effective Date case has been or may be awarded in the following amounts: (a) Forshey & Prostok, LLP, counsel for the Debtor, \$373,216.73; and (b) McDonald Sanders, P.C., special counsel for the Debtor, \$134,091.60.

12. Accordingly, entry of the Final Decree is appropriate.

CONCLUSION

WHEREFORE, based upon the foregoing, the Debtor respectfully requests that the Court grant the Motion, enter a Final Decree substantially in the form attached hereto as

Exhibit A, and grant such other and further relief as is just and proper.

Dated: August 21, 2019.

Respectfully submitted,

/s/ Laurie Dahl Rea
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Laurie Dahl Rea
State Bar No. 00796150
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ATTORNEYS FOR TENET CONCEPTS, LLC

CERTIFICATE OF CONFERENCE

I hereby certify that on August 20, 2019, I contacted Erin Schmidt, attorney for the U.S. Trustee, regarding this Motion. Ms. Schmidt has indicated that the U.S. Trustee does not have a position of the entry of the Final Decree at this time.

/s/ Laurie Dahl Rea
Laurie Dahl Rea

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was served via ECF Electronic Notice, where available, and via first class mail on the parties listed on the attached service list on this 21st day of August, 2019.

/s/ Laurie Dahl Rea
Laurie Dahl Rea

Exhibit A

Proposed Final Decree

In re:)	
)	
TENET CONCEPTS, LLC,)	Case No. 18-40270-elm-11
)	
Reorganized Debtor.)	Chapter 11 Case
)	
)	

**FINAL DECREE CLOSING CHAPTER 11 CASE PURSUANT
TO SECTION 350 OF THE BANKRUPTCY CODE AND RULE 3022
OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

Upon the Motion (the “Motion”)¹ dated August 21, 2019, filed by Tenet Concepts, LLC (the “Debtor”) for entry of a Final Decree closing this chapter 11 case [Docket No. ____]; and it appearing that this Court has jurisdiction to consider the motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and it appearing that this matter is a core proceeding within the meaning of 28 U.S.C. § 157(b); and it appearing that venue of this proceeding and the Motion is proper in this district in accordance with 28 U.S.C. §§ 1408 and 1409; and it appearing that the Debtor’s estate is fully administered as contemplated by section

¹ Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Motion.

350(a) of the Bankruptcy Code and by Bankruptcy Rule 3022; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the Motion is **GRANTED**; and it is further

ORDERED that the Debtor's bankruptcy case is hereby closed; and it further

ORDERED that the Debtor shall pay all outstanding fees to the United States Trustee, if any, on or before their regular due date as established by the United States Trustee's procedures; and it is further

ORDERED that this Court shall retain jurisdiction over any and all matters arising from or related to the implementation or interpretation of this Order.

End of Order

L:\BFORSHEY\Tenet Concepts, LLC (C11) #5927\Pleadings 18-40270-elm11\Final Decree.docx

Service List

**Service List-Plan Solicitation
Tenet Concepts, LLC
#5927**

Tenet Concepts, LLC
8200 Cameron Rd., Suite A198
Austin, TX 78754

United States Trustee
Erin Schmidt, Trial Attorney
1100 Commerce St., Room 976
Dallas, TX 75242

Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7346

Thomas C. Mauriello
1328 Calla Lily Blvd.
Leander, TX 78641

Brent E. Harris
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Goodrich, TX 77335-0157

Lloyd P. Jones, III
916 Cavalry Ride Trail
Austin, TX 78732

David Scott Cass
6041 Country South Lane
Midlothian, TX 76065

BSX Insurance
Cole Walters
3355 W. Alabama
Houston, TX 77098

Protective Insurance Company
Attn: Jeffrey A. Hunt, VP-Programs
111 Congressional Blvd., Suite 500
Carmel, IN 46032

IPFS Corporation
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Dallas, TX 75373-0223

IPFS Corporation
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Chicago, IL 60673-1247

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Fort Worth, TX 76102

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Boston, MA 02241-6103

The Hartford
Attn: Norma Richards
PO Box 660916
Dallas, TX 75266-0916

Advance business Capital, LLC
dba Triumph Business Capital
c/o Jared A. Ullman
Ullman & Ullman, P.A.
7700 West Camino Real, Suite 401
Boca Raton, FL 33433

Triumph Business Capital
c/o Dennis Olson
Olson Nicoud & Gueck, LLP
10440 N. Central Expwy., Suite 1100
Dallas, TX 75231

Accurate Background
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Irvine, CA 92619

ADP, LLC
400 W Covina Blvd.
San Dimas, CA 91773

AT&T Mobility
PO Box 6463
Carol Stream, IL 60197-6463

Austin Printer Repair
1019 W Rundberg Lane, Apt. A
Austin, TX 78758

Before and After Paint Inc.
13626 Ann Louise
Houston, TX 77086

Blue Cross Blue Shield of Texas
PO Box 731428
Dallas, TX 75373-1428

C-Net Technologies
3513 SW H.K. Dodgen Loop, Suite 204
Temple, TX 76502

California Secretary of State
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Sacramento, CA 94244-2280

California Secretary of State
Franchise Tax Board
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Sacramento, CA 94257-0511

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Charlotte, NC 28272-1083

Chase Bank
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Wilmington, DE 19850-5123

Clear Company HRM
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Boston, MA 02241-9189

Comptroller of Public Accounts
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Austin, TX 78774-0100

Concentra Occupational Health Center
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Lombard, IL 60148-0488

Concentra Occupational Health Center
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Contigo Technology LLC
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Cooper CPA Group, PC
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Dental Select
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Dallas, TX 75303-1680

Enterprise Fleet Management
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Kansas City, MO 64180-0089

Enterprise Rent-A-Car/Enterprise Holdings
Damage Recovery Unit
PO Box 843369
Kansas City, MO 64184-3369

FedEx
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Dallas, TX 75266-0481

First Insurance of CA Funding
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Northbrook, IL 60062-7917

Franchise Tax Board
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Sacramento, CA 94257-0531

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Made Affordable Pressure Washing
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Houston, TX 77053

Metropolitan Property & Casualty
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Philadelphia, PA 19178-3861

Molano's Hand Wash
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Islip, NY 11751

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Regus - Chicago
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Regus - Houston
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Regus - San Antonio
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Texas Mutual Insurance Company
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Dallas, TX 75284-1843

Travelers CL Remittance Center
PO Box 660317
Dallas, TX 75266-0317

United Fire Group
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Cedar Rapids, IA 52406-3244

Wageworks Inc.
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Illinois Dept. of Revenue
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Texas Comptroller of Public Accounts
c/o Courtney Hull/Sherri Simpson
Attorney General's Office
Bankruptcy & Collections Div.
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Austin, TX 78711-2548

IPFS Corporation
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Jersey City, NJ 07302

Texas Mutual Insurance Co.
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c/o Paul Wolf
Mitchell Hoffman & Wolf
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